

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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In the Matter of the Amendment  
of the  
Rules of the Supreme Court of the State of Hawai'i

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ORDER AMENDING RULE 1.3 OF THE  
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I  
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy JJ.)

IT IS HEREBY ORDERED that Rule 1.3 of the Rules of the Supreme Court of the State of Hawai'i is amended, effective January 1, 2004, as follows (deleted material is bracketed and new material is underlined):

**1.3 Requirements for Admission.**

**(a) Applications.**

(1) Each applicant for admission to the bar shall file a verified, typewritten or machine printed application [in duplicate] with the Clerk on the forms furnished by the Board in accordance with Board's Rules of Procedure.

(2) At a minimum, [each applicant] the forms shall [state] require the applicant to submit:

- (i) his or her name and date of birth,
- (ii) his or her last place of residence,
- (iii) the character and term of his or her study,
- (iv) the institution of law from which he or she graduated and with what degree,
- (v) the names of all courts to which he or she has made applications to practice,
- (vi) the dates of applications to practice,
- (vii) the dates of examinations and the dates of admission to practice,
- (viii) whether he or she has been the subject of any investigation or proceeding for professional misconduct, [and]
- (ix) whether he or she has ever been rejected

upon an application to practice before  
any court[.], and

(x) information required by the Board that  
relates to the applicant's character and  
fitness to practice law.

[(3) Unless otherwise ordered by the Court,  
applications shall be filed at least ninety (90)  
days prior to the date of examination. The  
application shall be accompanied by such other  
relevant documents or information as may be  
required by the Board or the Supreme Court. The  
application is deemed to be of a continuing nature  
and the information contained therein shall be  
correct as of the date of the applicant's  
admission to the bar. The applicant shall notify  
the Board in writing of any incidents or other  
facts which develop subsequent to the filing of  
his or her application which may modify, or have a  
bearing on, the information contained in, or  
required by, the application.]

**(b) Legal Education or Experience  
Requirements.**

(1) Unless otherwise provided by this rule,  
to be eligible for examination and admission to  
the bar, each applicant shall have graduated from  
a law school accredited by the Council of the  
American Bar Association on Legal Education and  
Admission to the Bar (accredited law school) with  
a J.D. or L.L.B. degree. The applicant shall have  
his or her first professional legal degree (J.D.  
or L.L.B.) from an accredited law school to  
satisfy the legal education requirement. A  
graduate degree in law (L.L.M., M.C.L., S.J.D.) is  
not a satisfactory substitute for the J.D. or  
L.L.B. degree.

(2) An attorney who is not a graduate of an  
accredited law school but who is admitted to  
practice before the highest court of another  
state, a territory, or the District of Columbia,  
shall be eligible for examination and admission,  
provided that he or she has actively practiced law  
in such state, territory or the District of  
Columbia for five of the six years immediately  
preceding his or her application.

(3) An attorney who is admitted to practice  
and is in good standing before the highest court  
of a foreign country, where the English common law  
substantially forms the basis of that country's  
jurisprudence, and where English is the language

of instruction and practice in the courts of that jurisdiction, shall be eligible for examination and admission provided that he or she presents satisfactory proof that he or she has actively practiced law in such jurisdiction for five of the six years immediately preceding his or her application.

(4) Service as a judge of a court of record shall be considered equivalent to the active practice of law within the meaning of this rule.

(5) Good Standing in Foreign Jurisdiction.  
An applicant shall not be allowed to sit for the examination or be admitted to the Hawai'i bar during any period in which the applicant is suspended or disbarred or allowed to practice only with supervision in any other jurisdiction. For purposes of these rules a resignation in lieu of discipline is a disbarment.

**(c) Good [Moral] Character and Fitness.**

(1) *Standard of Character and Fitness.* A lawyer should be one whose record of conduct justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them. A record manifesting a deficiency in [the]:

- (i) honesty,
  - (ii) trustworthiness,
  - (iii) diligence, [or]
  - (iv) reliability, [of an applicant may constitute a basis for denial of admission.]
  - (v) financial responsibility,
  - (vi) professional responsibility, or
  - (vii) respect for the law
- shall be grounds for denying an application.

**(d) Investigation of Applications.** The Board, [or] any delegated committee, or [subcommittee] designee shall investigate the applications, and may inquire into the information included in, and relevant to, each application. The Board may conduct proceedings necessary for a full and fair review of each [applicant] application in accordance with its [procedural rules] Rules of Procedure. The Clerk may issue subpoenas to compel the attendance of witnesses or the production of documents or other information in connection with such proceedings. An application may be held in abeyance by the Board pending the receipt of additional information to

complete the investigation. If an applicant refuses or is unable to provide additional requested information, the recommendation to the Supreme Court shall be made on the basis of the existing information. The Board, [or] any delegated committee, or [subcommittee] designee shall report the results of [its] the investigation and [its] recommendations to the Supreme Court. [The Supreme Court may conduct any other proceedings which it deems appropriate before acting upon the recommendations of the Board.]

**(e) Review of Adverse Recommendations as to [Moral] Good Character and Fitness.** An applicant may petition the Supreme Court for review of an adverse recommendation that is based upon the applicant's failure to establish good [moral] character and fitness by filing with the Clerk a petition for review within twenty (20) days after receiving the adverse recommendation relating to [moral] character and fitness. [The procedure upon the filing of such a petition shall conform to the Rules of the Supreme Court of the State of Hawai'i ("RSCH"), so far as practicable, for review of charges of the Disciplinary Board of the Hawai'i Supreme Court pursuant to Rule 2, RSCH.]

**(f) Non-Standard Testing Accommodations.** An applicant may file a request for non-standard testing accommodations with the Board in accordance with the Board's Rules of Procedure.

**(g) Examinations.**

- (1) Unless otherwise provided by this rule, an applicant shall be admitted to practice only after he or she has passed examinations that satisfy the Supreme Court that the applicant has the necessary legal and educational qualifications to practice law in this jurisdiction.
- (2) Hawai'i Bar Examinations will be held in the City and County of Honolulu, Hawai'i.
- (3) Unless otherwise directed by the Supreme Court, the Hawai'i Bar Examinations will be held [commencing on the Monday preceding the last Wednesday of February and July of each year] during the week of the last Wednesday in February and July.

- (4) Within thirty (30) days after the results of the Hawai'i Bar Examination are filed by the Supreme Court, [any unsuccessful applicant may ask] the Clerk [to] may transmit a copy of [his or her] examination scores to any unsuccessful applicant. However, there shall be no right of appeal as to the examination or its results.
- (5) Unless otherwise ordered by the Supreme Court, the files, records and proceedings of the Board are confidential and may not be disclosed except in furtherance of the Board's duties under this rule; provided that, the Board may, without a court order, release files and records at the request of an attorney admission, or disciplinary authority or judicial selection authority of any jurisdiction in which the applicant is admitted to practice or seeks to practice.
- (6) In addition to the Hawai'i Bar Examination administered by the Board, each applicant for examination and admission must also take and pass the Multistate Professional Responsibility Examination (MPRE). The MPRE must be taken and passed not earlier than two years before the Hawai'i Bar Examination and the MPRE score must be officially reported to the Board not later than one year after date of notification of passing the Hawai'i Bar Examination.

**[(g)](h) Child Support Enforcement.** [No] An applicant shall not be allowed to sit for a Hawai'i Bar Examination or be admitted to the Hawai'i Bar during any period in which the applicant has not complied with a court order for child support or in which Hawai'i's Child Support Enforcement Agency or like body in another jurisdiction has certified the applicant is not in compliance with an order of child support or is not in compliance with a subpoena or warrant relating to a paternity or child support proceeding.

**(i) Student Loan Enforcement.** An applicant shall not be allowed to sit for a Hawai'i Bar Examination or be admitted to the Hawai'i Bar

during any period in which the applicant is not in compliance with an obligation under a student loan, student loan repayment contract, scholarship contract, or repayment plan.

DATED: Honolulu, Hawai'i, August 14, 2003.